

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

684994  
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In Re:

MARY DE LOACH A/K/A MARY D. DELOACH



Order Filed on August 23, 2016  
by Clerk U.S. Bankruptcy Court  
District of New Jersey

Case No: 13-12187 - JKS

Hearing Date: August 11, 2016

Judge: JOHN K. SHERWOOD

Recommended Local Form:



Followed



Modified

**ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

**DATED: August 23, 2016**

A handwritten signature in black ink, appearing to read "J.K. Sherwood", written over a horizontal line.

Honorable John K. Sherwood  
United States Bankruptcy Court

Applicant: WELLS FARGO BANK, NA  
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC  
Debtor's Counsel: BRUCE W RADOWITZ, Esquire  
Property Involved ("Collateral"): 206-208 MIDLAND PLACE, NEWARK, NJ 07106

Relief sought: ☒ Motion for relief from the automatic stay  
☐ Motion to dismiss  
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☐ The Debtor is overdue for \_\_\_\_\_ months, from \_\_\_\_\_ to \_\_\_\_\_.
- ☐ The Debtor is overdue for \_\_\_\_\_ payments at \$\_\_\_\_\_ per month.
- ☐ The Debtor is assessed for \_\_\_\_\_ late charges at \$\_\_\_\_\_ per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$\_\_\_\_\_ received after the motion was filed.

Total Arrearages Due \$ 0.

2. Debtor must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of \$\_\_\_\_\_. Payment shall be made no later than \_\_\_\_\_.
- ☒ Beginning on 9/1/2016, regular monthly mortgage payments shall continue to be made.
- ☐ Beginning on \_\_\_\_\_, additional monthly cure payments shall be made in the amount of \$\_\_\_\_\_ for \_\_\_\_\_ months.
- ☐ The amount of \$\_\_\_\_\_ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$\_\_\_\_\_ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular Monthly payment: Wells Fargo Bank NA  
One Home Campus  
MAC x2302-04  
Des Moines IA 50328

☐ Monthly cure payment:

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay waiving FED.R. Bankr P 3002.1

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay waiving FED.R. Bankr P 3002.1

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay waiving FED.R. Bankr P 3002.1

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$\_\_\_\_\_, and costs of \$\_\_\_\_\_.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within \_\_\_\_\_ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.